

1 BILL NO. S-81-12- 38

2 SPECIAL ORDINANCE NO. S-01-82

3  
4 AN ORDINANCE approving a contract for  
5 Water Contract #81-XP-3 between the City  
6 of Fort Wayne, Indiana and Lengacher  
7 Construction Co., Inc., for construction  
8 of water main in the Washington Center Road  
9 area.

10 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
11 WAYNE, INDIANA:

12 SECTION 1. That a certain contract, December 9, 1981,  
13 between the City of Fort Wayne, Indiana, by and through it Mayor  
14 and the Board of Public Works and Lengacher Construction Co., Inc.  
15 for:

16 construction of a 16" diameter Water Main  
17 including all necessary fittings on Washington  
18 Center Road from an existing 24" Water Main  
19 1075+ feet West of S.R. 3 westward 2565+ feet  
20 to an existing 16" Water Main,

21 under Board of Public Works Water Contract #81-XP-3, at a total  
22 cost of 59,930.00, all as more particularly set for in said  
23 contract which is on file in the Office of the Board of Public  
24 Works and is by reference incorporated herein and made a part  
25 hereof, be and the same is in all things hereby ratified, confirmed  
26 and approved.

27 SECTION 2. That this Ordinance shall be effective upon  
28 passage and approval by the Mayor.

29  
30   
31 COUNCILMAN

32 APPROVED AS TO FORM AND  
LEGALITY DECEMBER 18, 1981

33   
34 BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by \_\_\_\_\_,  
seconded by \_\_\_\_\_, and duly adopted, read the second time  
by title and referred to the Committee \_\_\_\_\_ (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: \_\_\_\_\_

CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Burns,  
seconded by Stier, and duly adopted, placed on its  
passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>9</u>	<u>0</u>	_____	_____	_____
BRADBURY	<u>X</u>	_____	_____	_____	_____
BURNS	<u>X</u>	_____	_____	_____	_____
EISBART	<u>X</u>	_____	_____	_____	_____
GIAQUINTA	<u>X</u>	_____	_____	_____	_____
NUCKOLS	<u>X</u>	_____	_____	_____	_____
SCHMIDT	<u>X</u>	_____	_____	_____	_____
SCHOMBURG	<u>X</u>	_____	_____	_____	_____
STIER	<u>X</u>	_____	_____	_____	_____
TALARICO	<u>X</u>	_____	_____	_____	_____

DATE: 1-12-82

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)  
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. 2-01-82  
on the 12th day of January, 1982  
ATTEST: (SEAL)

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 12th day of January, 1982, at the hour of  
11:30 o'clock 7 M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 14th day of January  
1982, at the hour of 3 o'clock P M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR. - MAYOR

Read the first time in full and on motion by Burns, seconded by Salinas, and duly adopted, read the second time by title and referred to the Committee City Clerk (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 12-22-81

Charles W. Westerman  
CHARLES W. WESTERMAN  
CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: \_\_\_\_\_

\_\_\_\_\_  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ATTEST: (SEAL)

\_\_\_\_\_  
CHARLES W. WESTERMAN - CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
WINFIELD C. MOSES, JR.  
MAYOR

BILL NO. S-81-12-38

REPORT OF THE COMMITTEE ON CITY UTILITIES

WE, YOUR COMMITTEE ON City Utilities TO WHOM WAS REFERRED AN  
ORDINANCE approving a contract for Water Contract #81-XP-3 between the  
City of Fort Wayne, Indiana and Lengacher Construction Co., Inc., for  
construction of water main in the Washington Center Road area

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE it PASS.

PAUL M. BURNS, CHAIRMAN

VIVIAN G. SCHMIDT, VICE CHAIRMAN

BEN A. EISBART

SAMUEL J. TALARICO

ROY J. SCHOMBURG

1-12-82  
CONCURRED IN  
DATE 1-12-82 GARRETT W. WILSON, CITY CLERK

BOARD ORDER NO. 120-81

WORK ORDER NO. 63342

THIS CONTRACT made and entered into in triplicate this 9th day of December, 1981, by and between Lengacher Construction Company, Inc., herein called CONTRACTOR, and the City of Fort Wayne, Indiana, an Indiana Municipal Corporation, acting by and through the Mayor and the Board of Public Works, herein called OWNER,

WITNESSETH, that the Contractor and the Owner, for the considerations hereinafter named, agree as follows:

ARTICLE I. SCOPE OF WORK

Contractor shall furnish all labor, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary to install a 16" diameter water main including all necessary fittings as follows:

On Washington Center Road from an existing 24" Water Main 1075+ feet West of S. R. 3 Westward 2565+ feet to an existing 16" Water Main,

all according to Fort Wayne Water Utility Drawing No. Y-10518, Sheets 1 thru 6, and do everything required by this contract and the other documents constituting a part hereof.

ARTICLE 2. THE CONTRACT SUM

The Owner shall pay Contractor for the performance of the contract the unit price sum of \$59,930.00. In event the amount of work is increased or decreased by Owner, the contract sum shall be increased or decreased according to the unit price schedule set forth in the Contractor's Proposal.

ARTICLE 3. PROGRESS PAYMENTS

The Owner shall make payments on account of the contract as provided herein, as follows:

Monthly progress payments will be made by Owner upon submission of a statement of quantities of work completed and/or materials supplied to the job site as of the end of each month. On or about the 15th day of the following month, ninety (90%) percent of the value of the work performed up to the first day of that month (based on the contract price of labor and materials incorporated in the work) and as estimated by the Contractor and approved or revised by the Water Engineering Department less the aggregate of previous payments, will be paid by Owner to the Contractor.

#### ARTICLE 4. ACCEPTANCE AND FINAL PAYMENT

Final payment shall be due at the time the work is fully completed and accepted and the contract is fully performed.

Upon filing of a Completion Affidavit by the Contractor that the work is ready for final inspection and acceptance, the Board of Public Works will direct the Water Engineering Department to promptly make such inspection. When the Engineering Department finds the work acceptable under the contract, and the contract is fully performed, it shall so inform the Board of Public Works which shall issue a final certificate stating that the work provided for in this Contract has been completed and is accepted. Thereupon the entire balance of the Contract sum shall be due and payable to the Contractor; provided only that Contractor shall first furnish Owner, if requested to do so, satisfactory evidence that all persons who have supplied labor, material, or equipment for the work have been fully paid.

#### ARTICLE 5. WORKMEN'S COMPENSATION ACT

The Contractor will furnish immediately a certificate from the Industrial Board of the State of Indiana, that he has complied with the Workmen's Compensation Act in accordance with Section 14 of the Compensation Act. (I.C. 22-3-2-1).

Any judgment rendered against the City of Fort Wayne in any suits for damages for injury to real or personal property, or for any injury sustained by any person growing out of any act or doing of Contractor, or its agents, employees or workmen and that any judgment of any court or award of any Board of Arbitrators or of the State Industrial Board of the State of Indiana rendered against the City of Fort Wayne in any suit or claim arising under said Workmen's Compensation acts of the State of Indiana, now or hereafter in force, relating to compensation for accidental injuries or death suffered by his employees or the employees of an Sub-contractor or Subcontractors in the course of their employment, when notice of the pendency of such suit, hearing or arbitration shall have been given said Contractor, shall be conclusive against Contractor as to amount, liability and all other things pertaining thereto; it being the intent of the parties hereto that Contractor indemnify and hold harmless City in the premises.

#### ARTICLE 6. NONDISCRIMINATION OF LABOR

The Contractor further agrees to be bound by Section 15-13 (as amended), of the Code of the City of Fort Wayne, Indiana of 1974, passed by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-34-78 (as amended) on December 12th, 1978, a copy of which Section is by this reference incorporated herein and made a part hereof.

#### ARTICLE 7. PREVAILING WAGE SCALE

The Contractor agrees to pay and also require of his subcontractors that they pay wage rates on the work covered by this contract which shall not be less than the prescribed scale of wages as determined pursuant to the provisions of Chapter 319 of the Acts of the General Assembly of the State of Indiana, of 1935, which is by this reference incorporated herein and made a part hereof.

#### ARTICLE 8. COMPONENT PARTS OF THIS CONTRACT

The following documents are as fully a part of the contract as if hereto attached or herein repeated:

- a. Advertisement for Bids, for Contract No. 81-XP-3
- b. Instructions to Bidders for Contract No. 81-XP-3
- c. Contractor's Proposal Dated November 25, 1981.
- d. Fort Wayne Water Utility Engineering Department Drawing No. Y-10518, Sheets 1 thru 6.
- e. Supplemental Specification for Contract No. 81-XP-3
- f. Detailed Specifications and Conditions for the Installation of Transmission and Distribution Mains of the Fort Wayne Water Utility.
- g. Construction Standards and Water Main and Water Service Materials Standards of the Fort Wayne Water Utility, Engineering Department, latest revision, except as modified in the Supplemental Specifications.
- h. Workman's Compensation Act (I.C. 22-3-2-1).
- i. Non Discrimination of Labor, General Ordinance No. G-34-78 (as amended):
- j. Prevailing Wage Scale.
- k. Performance and Guaranty Bond.

#### ARTICLE 9. GUARANTEE OF WORKMANSHIP

At the time of execution of this contract, the Contractor shall furnish a Performance and Guaranty Bond in favor of the City of Fort Wayne in the amount of the total value of the materials supplied and/or work performed under the terms of this contract. The said bond shall ensure the completion of the work covered hereunder and shall guarantee the materials and workmanship for a period of one (1) year following written acceptance of the water main by the City.

#### ARTICLE 10. INDEMNITY

Contractor shall furnish to Owner, within ten (10) days of the date hereof, a certificate from an insurer acceptable to Owner showing personal injury and property damage insurance, in force and issued in connection with the work to be performed under this Contract, in amounts satisfactory to Owner.

#### ARTICLE 11. ADJUSTMENTS OF DISPUTES

All questions or controversies which may arise between the Contractor and the Owner under the provisions of this Contract shall be subject to the decision of the Chief Engineer of the Fort Wayne Water Utility, and his decision shall be final and conclusive upon the parties. No changes in the plans, specifications, or other phases or the work covered by this Contract will be permitted except on prior written authorization by the Board of Public Works.

#### ARTICLE 12. COMPLETION DATE

The Contractor agrees to complete the work specified in the contract within 45 consecutive calendar days after having been ordered by the Owner to commence work under this contract.

ARTICLE 13. COUNCILMANIC APPROVAL

This Agreement, although executed on behalf of the Owner by the Mayor and Board of Public Works of the City of Fort Wayne, Indiana, shall not be binding upon the Owner unless and until the same shall have been ratified and approved by the Common Council of the City of Fort Wayne, Indiana, and should said Common Council fail to approve the same within ninety (90) days after the date hereof, then this Contract shall be and become wholly void.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

LENGACHER CONSTRUCTION COMPANY, IND.

BY: Louis L. Lengacher

Louis L. Lengacher, President

CITY OF FORT WAYNE, INDIANA

BY: Win Moses, Jr.

Win Moses, Jr., Mayor

ATTEST:

Sandra E. Kennedy  
Sandra E. Kennedy, Clerk

BOARD OF PUBLIC WORKS

APPROVED AS TO FORM AND LEGALITY:

Richard O. Maier  
ASSOCIATE CITY ATTORNEY

Thomas W. Latchem, Chairman

Robert Anderson  
Roberta Anderson Staten, Member

Betty R. Collins  
Betty R. Collins, Member

Approved by the Common Council of the City of Fort Wayne on \_\_\_\_\_ day of \_\_\_\_\_, 1982.

Special Ordinance No. \_\_\_\_\_.



BD. 120-81

81-X P-3 WASHINGTON CENTER Road

BID TABULATION																									
TRACTOR		ENGR. EST.		LENGELER E.C.		GEIGER DEK		TIG EMANATING		SHIPLEMAN E.C.		BROOKS CHST.		BECKET TUG.		EARTH CHST.		ALL-STAR CHST.		DENNER CHST.		WEITZEL CHST.			
DER'S BOND				10% of BID		10% of BID		10% of BID		10% of BID		100% TOTAL BID		10% of BID.		10% of BID		10% of BID		10% of BID		10% of BID			
COLLUSION AFFIDAVIT				YES		YES		YES		YES		YES		YES		YES		NO		YES		YES			
ANCIAL STATE				YES		YES		YES		YES		YES		YES		YES		NO		YES		YES			
O. STATE				YES		YES		YES		YES		YES		YES		YES		NO		YES		YES			
PLETION TIME				45 DAYS		160 DAYS		150 DAYS		60 DAYS		NOT GIVEN		30 DAYS		180 DAYS		180 DAYS		60 DAYS		NOT GIVEN			
QUANTITY	DESCRIPTION	U. P.	EXTENSION	U. P.	EXTENSION	U. P.	EXTENSION	U. P.	EXTENSION	U. P.	EXTENSION	U. P.	EXTENSION	U. P.	EXTENSION	U. P.	EXTENSION	U. P.	EXTENSION	U. P.	EXTENSION	U. P.	EXTENSION	U. P.	EXTENSION
565 <sup>±</sup> LF	16" CLSD D.I. WATER MAIN	23.00	58,975.00	14.00	48,735.00	14.15	49,119.75	14.44	51,146.10	20.25	51,741.25	20.30	53,608.50	22.09	56,660.85	23.90	61,303.50	25.00	64,125.00	26.54	68,075.10	28.30	74,589.50		
2 ea.	16" BUTTERFLY VALVES (INSTALL ONLY)	400.00	800.00	140.00	280.00	180.00	360.00	352.00	704.00	55.55	111.10	340.00	680.00	250.00	500.00	208.00	416.00	450.00	900.00	700.00	1400.00	635.00	1270.00		
2 ea.	16" 445° ELLS (RESTRAINED)	500.00	1000.00	500.00	1000.00	521.28	1042.56	548.00	1096.00	521.83	1043.66	605.00	1210.00	422.00	844.00	660.00	1320.00	1110.00	2220.00	650.00	1318.00	518.00	1036.00		
1 ea.	16" SOLID SLEEVE	425.00	425.00	290.00	290.00	251.78	251.78	390.00	390.00	242.53	242.53	370.00	370.00	275.00	275.00	410.00	410.00	400.00	400.00	322.00	322.00	330.00	330.00		
1 ea.	24"x16" REDUCER	700.00	700.00	775.00	775.00	828.18	828.18	579.00	579.00	759.01	759.01	817.00	817.00	665.00	665.00	865.00	865.00	750.00	750.00	790.00	790.00	651.00	651.00		
4 ea.	TYPE III FIRE HYD. ASSEMBLYS	1800.00	7200.00	1600.00	6400.00	1824.00	7296.00	1644.00	6576.00	1639.54	6558.16	1647.00	6588.00	1550.00	6200.00	1805.00	7220.00	1775.00	7100.00	2290.00	9160.00	1810.00	7240.00		
30 <sup>±</sup> LF	ASPHALT STREET RESTORATION	25.00	750.00	20.00	600.00	26.00	780.00	11.17	335.10	10.55	316.50	22.00	660.00	20.00	600.00	43.70	1311.00	28.00	600.00	24.00	720.00	13.00	390.00		
55 <sup>±</sup> LF	STONE AREA RESTORATION	4.50	247.50	400.00	400.00	15.00	825.00	2.06	113.30	21.27	1169.85	4.00	220.00	3.00	165.00	16.10	885.50	13.15	756.15	1.25	68.75	2.00	110.00		
3500 <sup>±</sup> LF	GRASS AREA RESTORATION	1.00	2500.00	1450.00	1450.00	.50	1250.00	.49	1225.00	.44	1100.00	.80	2000.00	.35	875.00	1.00	2500.00	3.00	5000.00	.35	875.00	1.45	3625.00		
TOTAL BID			72,617.50		59,930.00		61,753.27		62,164.50		63,242.06		66,153.50		66,784.85		76,231.00		81,853.25		82,728.85		87,241.50		

TITLE OF ORDINANCE Water Contract 81-XP-3, Washington Center Road Area.

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

81-12-38

SYNOPSIS OF ORDINANCE Water Contract 81-XP-3, Washington Center Road Area . A 16" diameter

Water Main including all necessary fittings shall be constructed on Washington Center

Road from an existing 24" Water Main 1075+ feet West of S.R. 3 westward 2565+ feet

to an existing 16" Water Main . Lengacher Construction Co., Inc. awarded the contract.

Prior Approval Acquired on December 15, 1981.

EFFECT OF PASSAGE The construction of a 24" water main in the Washington Center Road  
Area.

EFFECT OF NON-PASSAGE The above described project cannot be completed.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) \$59,930.00 to be paid to be paid for  
by City Utilities.

ASSIGNED TO COMMITTEE \_\_\_\_\_